

Message Text

CONFIDENTIAL

PAGE 01 STATE 134923
ORIGIN L-03

INFO OCT-01 ARA-10 ISO-00 PM-04 INR-07 SY-05 SCA-01
PRS-01 INRE-00 /032 R

DRAFTED BY L/M:GALEHNER:AD
APPROVED BY L/M:KEMALMBORG
-----102132Z 026333 /72
O 102122Z JUN 77
FM SECSTATE WASHDC
TO AMEMBASSY PANAMA IMMEDIATE

C O N F I D E N T I A L STATE 134923

E.O. 11652: GDS

TAGS: CPRS, MILI, PN, PQ

SUBJECT: GOP REQUEST TO EXTRADITE U.S. SOLDIER

REF: PANAMA 4178

1. DEPARTMENT'S LEGAL OFFICE HAS SERIOUS PROBLEMS WITH
INTERPRETATION OF CANAL ZONE CODE AS STATED IN REFTEL
PARA 5. IT IS NOT RPT NOT CLEAR THAT "SO LONG AS CUEVAS IS
UNDER U.S. ARMY CHARGES IN CANAL ZONE, HE MAY NOT BE
DELIVERED. SECTION 5083, CANAL ZONE SPEAKS OF THE LAWS OF
THE CANAL ZONE, NOT RPT NOT NOT THE LAWS OF THE U.S. ARMY.

2. DEPARTMENT'S INTERPRETATION IS THAT IN ORDER FOR
GOVERNOR OF CANAL ZONE TO INVOKE SECTION 5083, CANAL ZONE,
NOT RPT NOT MILITARY, AUTHORITIES MUST BE PREPARED TO TRY
CUEVAS FOR CRIMES COMMITTED IN THE CANAL ZONE.

3. CANAL ZONE AUTHORITIES CAN NOT RPT NOT TRY CUEVAS FOR
ATTEMPTED MURDER, THE MOST SERIOUS OFFENSE. IT IS UNCLEAR
(DEPENDING ON WHERE EVENTS TOOK PLACE) WHETHER CANAL ZONE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 134923

AUTHORITIES CAN TRY CUEVAS FOR KIDNAPPING, THE SECOND MOST
SERIOUS OFFENSE.

4. FYI: OFTEN, IN EXTRADITION CASES, WHERE REQUESTED
STATE HAS JURISDICTION TO TRY FOR CERTAIN CRIMES A
DEFENDANT WHOSE EXTRADITION HAS BEEN DEMANDED BY ANOTHER
STATE, REQUESTED STATE WILL WAIVE RIGHT TO PROSECUTE

OFFENDER IF THE OFFENSE COMMITTED IN THE REQUESTING STATE
IS MORE SERIOUS. END FYI.

5. REQUEST EMBASSY DISCUSS LEGAL PROBLEMS RAISED HERE
WITH APPROPRIATE CANAL ZONE AND MILITARY AUTHORITIES.

6. FYI: UNDER PROPOSED NEW TREATY AND STATUS OF FORCES
AGREEMENT GOP WOULD HAVE PRIMARY JURISDICTION OVER CASES
LIKE THIS. THEREFORE, UNDER THIS AGREEMENT U.S. WOULD BE
OBLIGATED TO TURN OVER U.S. SOLDIER UNLESS GOP WAIVED
JURISDICTION. END FYI. VANCE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, EXTRADITABLE CRIMES, PRISONERS
Control Number: n/a
Copy: SINGLE
Sent Date: 10-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE134923
Document Source: CORE
Document Unique ID: 00
Drafter: GALEHNER:AD
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770208-0388
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770667/aaaachft.tel
Line Count: 73
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2171e57e-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 PANAMA 4178
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2190438
Secure: OPEN
Status: NATIVE
Subject: GOP REQUEST TO EXTRADITE U.S. SOLDIER
TAGS: CPRS, MILI, PN, PQ, (CUEVAS)
To: PANAMA
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/2171e57e-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009